

\*E-Filed 1/4/10\*

United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

GREGORY NICHOLAS STESHENKO,

No. C 09-5543 RS

Plaintiff,

**ORDER DENYING “MOTION TO  
REMOVE AND CONSOLIDATE  
CASES”**

v.

THOMAS MCKAY, et al.,

Defendants.

Plaintiff Gregory Nicholas Steshenko, appearing in *pro se*, has filed a “Motion to Remove and Consolidate Cases” in which he requests the Court to issue an order removing a case he filed in the Superior Court of Santa Cruz to this Court and to consolidate that case with this one. Steshenko’s request is denied on grounds that removal of a state court action to federal court is to be accomplished by the filing of appropriate notice in conformance with the procedures set out in 28 U.S.C. § 1446, and not by court order. Steshenko is further advised, however, that a plaintiff in a state court proceeding has no right to remove to federal court; thus, even if Steshenko were to file a notice of removal otherwise in conformance with the procedural requirements of the statute, the action would be subject to *sua sponte* remand to the Superior Court for lack of jurisdiction in this Court. Finally, Steshenko is advised that any further motions in this action must be filed and noticed for hearing in conformance with Civil Local Rule 7. Steshenko is directed to Chapter 7 of

1 the "Handbook for Litigants Without a Lawyer" available from the Clerk's office or online at the  
2 Court's website, [www.cand.uscourts.gov](http://www.cand.uscourts.gov), for further information regarding motion practice.

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4 IT IS SO ORDERED.

5 Dated: 1/4/10



6 RICHARD SEEBORG  
7 UNITED STATES MAGISTRATE JUDGE  
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**THIS IS TO CERTIFY THAT A COPY OF THIS ORDER WAS MAILED TO:**

Gregory Nicholas Steshenko  
3030 Marlo Court  
Aptos, CA 95003

DATED: 01/04/2010

/s/ Chambers Staff

Chambers of Magistrate Judge Richard Seeborg